

**TYPE II DEVELOPMENT &  
ENVIRONMENTAL REVIEW,  
*Final* STAFF REPORT & DECISION**

Form DS1401



**Project Name:** **WILD ROSE ACRES SHORT PLAT**

**Case Number:** PLD2004-00058; SEP2004-00101; HAB2004-00149

**Location:** 10701 NE 299<sup>th</sup> Street

**Request:** The applicant is requesting to short plat an approximate 15.91-acre parcel into 3 single-residential lots located in the R-5 zone district.

**Applicant:** Lawson Land Services Inc.  
Attn: Casey Witt  
113 South Parkway Avenue  
Battle Ground, WA 98604  
(360) 687-0500; (360) 687-0522 FAX  
E-mail: [caseyw@lawsonls.com](mailto:caseyw@lawsonls.com)

**Contact Person:** Same as applicant

**Property Owner:** Russell W. Staudinger  
10701 NE 299<sup>th</sup> Street  
Battle Ground, WA 98604  
(360) 687-7406  
E-mail: [rsss44@hotmail.com](mailto:rsss44@hotmail.com)

**DECISION**

**Approve subject to Conditions of Approval**

**Team Leader's Initials:** \_\_\_\_\_ **Date Issued:** \_\_\_\_\_, 2004

**County Review Staff:**

<b><u>County Staff</u></b>	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Jim Vandling	4714	<a href="mailto:james.vandling@clark.wa.gov">james.vandling@clark.wa.gov</a>
<b>Engineer</b> (Trans. & Stormwater):	Ken Burgstahler	4347	<a href="mailto:Ken.burgstahler@clark.wa.gov">Ken.burgstahler@clark.wa.gov</a>
<b>Engineer</b> <b>Supervisor:</b>	Richard Drinkwater, P.E.	4492	<a href="mailto:Richard.Drinkwater@clark.wa.gov">Richard.Drinkwater@clark.wa.gov</a>
<b>Team Leader</b>	Travis Goddard	4180	<a href="mailto:Travis.goddard@clark.wa.gov">Travis.goddard@clark.wa.gov</a>

**Legal Description:** (Parcel Number 224578-000) Northeast Quarter of Section 16, Township 4 North, Range 2 East of the Willamette Meridian

**Comp Plan Designation:** R-5

**Applicable Laws:**

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Residential Zoning District), Chapter 40.350 (Transportation), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.450 (Wetland Protection Ordinance), Section 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.610 (Impact Fees), Title 24 (Public Health) and the Clark County Comprehensive Plan and RCW 58.17.

**Neighborhood Association/Contact:**

This site is not located within the boundaries of a recognized neighborhood association.

**Time Limits:**

The application was determined to be fully complete on July 15, 2004. The application was placed on hold from July 20, 2004 through August 2, 2004, therefore the County Code requirement for issuing a decision within 78 days lapses on October 14, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on November 25, 2004.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 18, 2004. The pre-application was determined to be sufficiently complete to be contingently vested.

The fully complete application was submitted on June 17, 2004 and determined to be fully complete on July 15, 2004. Given these facts the application is vested on February 24, 2004, the date the pre-application was submitted.

There are not any disputes regarding vesting.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, and property owners within 500 feet of the site on August 12, 2004.

## Public Comments:

None

### Project Overview

This proposal is for a 3-lot short plat on approximately 15 acres to be processed as a single phase. The zoning for this parcel and neighboring parcels to the North, West and East is R-5. Parcels to the South are zoned as R-5. There is an existing home on the property and an existing temporary home, both being served by NE 299th Street.

No new public roads are being proposed with the development. It is proposed that the new lots will access NE 299th via the existing 30' joint driveway access and utility easement. Sight distance East of the access is a concern and an exhibit is included with this submittal providing evidence that sight distance will be adequate. It should also be noted that the applicant will be required to pave back 20' from the edge of NE 299th Street; the additional pavement has the potential to improve sight distance. Additional driveway construction will consist of 12' wide gravel with an approved fire turnaround. One location for a turnout is at the existing residence; additional turnouts will be added if necessary.

This project creates zero additional impervious surface assuming private driveways and new homes fit the criteria of normal appurtenances for the rural area. Standard erosion control practices will be implemented during driveway installation. Storm runoff that is generated from the site will be allowed to sheet flow its natural path to the stream located on the south side of the site.

Clark Public Utilities (CPU) will provide water service to the property. Extension of the waterline will be proposed to provide a fire hydrant within 500' of all lots. Private extension of the utilities will be constructed as necessary to provide service to the proposed lots. Sanitary systems will be standard septic/drainfields.

There are no open spaces, parks, or recreation areas proposed with this project. The project does not fall within a wellhead protection area. A portion of the site does fall in a high archaeological predictive area.

Battle Ground School District will be providing educational services to the proposed short plat. Fire District 11 will provide fire protection to the site.

### Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	R-5	R-5	Pasture & Large Lot Residential
North	R-5	R-5	Pasture & Large Lot Residential
East	R-5	R-5	Pasture & Large Lot Residential
South	R-5	R-5	Pasture & Large Lot Residential
West	R-5	R-5	Pasture & Large Lot Residential

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

### LAND USE:

#### Finding 1 Lot Size:

The applicant is proposing three (3) lots on an existing parcel of approximately 30.0 acres which is zoned R-5. CCC40.210.020 requires a minimum parcel size of five (5) acres in this zone. Therefore, at the time of final plat, the proposed lots shall comply with the minimum lot size and width requirements for the R-5 zone as described in this finding.

#### Dimensional Standards

The parcel is located within the R-5 zoning districts of Clark County and the comprehensive Plan Designation for the site is R-5. CCC40.210.020-3 identifies the following lot requirements for parcels within the R-5 zoning district:

Minimum parcel size	5 acres
Minimum lot width (feet)	140
Minimum lot depth (feet)	none
Front yard setback (feet)	50
Side yard setback (feet)	20, 50 for agriculture buildings
Rear yard setback (feet)	20, 50 for agriculture buildings
Street side yard setback (feet)	25

## Finding 2 Permitted Use:

Single-family residences are a permitted use in the R-5 zoning district as is the platting of property for residential use.

## **CRITICAL AREAS:**

Finding 1 – According to the Clark County GIS mapping indicators and the site plan, there is riparian habitat on the property. The riparian designation exists because a Department of Natural Resources (DNR) type 4 tributary of Mason Creek flows through the eastern portions of the property. According to CCC Chapter 40.440.010(C)(1)(a), a DNR type 4 water requires a 150-foot riparian Habitat Conservation Zone (HCZ). The riparian HCZ extends horizontally outward from the ordinary high water mark 150', or to the edge of the 100 year floodplain, whichever is greater. In this case, the former of these two measurements defines the jurisdictional boundaries of the riparian HCZ.

Finding 2 - The proposed plat shows the septic for lot 2 inside the 150' riparian HCZ. The septic area is within a pasture area next to an existing barn. This outer portion of the 150' riparian HCZ is heavily degraded from past livestock grazing practices. Hence, the habitat functionality in the area proposed for the septic is low. Furthermore, the construction required for installation of the septic will be temporary in nature and will not jeopardize any habitat functions on the site. Therefore, the proposed short plat complies with the Habitat Conservation Ordinance, provided the following conditions are implemented.

(See Conditions # A-9 & A-10)

Finding 3 - The building envelope on Lot 3 will need to be revised before Final Plat in order to comply with the Wetlands Protection Ordinance (See Condition # A-11)

## **TRANSPORTATION:**

### Circulation Plan

Finding 1 – Since frontage improvements will not required for this development, a circulation plan would not be required per CCC 40.350.030(B)(2)(2)(a).

### Roads

Finding 2 – CCC 40.350.030(B)(6)(b)(1) & (2) requires that offsite access roads shall have an unobstructed and paved roadway width of 20 feet, except in those cases where the preexisting road is 18 feet wide, with one-foot shoulders, additional widening is not required. The preliminary application material indicates that NE 299<sup>th</sup> Street has an asphalt pavement width of 21.5 feet±. Therefore, staff finds that these requirements have been satisfied.

### Access

Finding 3 – The applicant proposes utilizing the existing the existing driveway as a joint driveway to provide access this plat. In order to insure that all lots have access, and not place an undue burden on the future owners, the joint driveway shall be constructed from NE 299<sup>th</sup> Street to the new lot line between Lots 2 & 3 prior to final plat approval. This driveway shall have a minimum width of 12 feet of clear, unobstructed all-weather driving surface, and an overhead clearance of 13 feet 6 inches to comply with CCC 40.350.030(B)(4)(b)(2). (See Condition # A-1)

Finding 4 – The joint driveway shall be paved from the edge of the public road to the right-of-way, or to 20 feet from the edge, whichever is greater prior to final plat to comply with CCC 40.350.030(B)(7)(c). (See Condition # A-2).

Finding 5 – CCC 40.350.030(B)(4)(b)(3) says that driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. A minimum of one turnout shall be constructed with the driveway prior to final plat approval. (See Condition #A-3) The applicant proposes constructing a “tee” type hammerhead in the north portion of Lot 2. Staff finds this location acceptable. Except for the angle necessary to fit the hammerhead in the north portion of Lot 2, this hammerhead shall comply with Drawing 32 or 32A of the Transportation Standards. (See Condition # A-4)

Finding 6 – The joint driveway shall be in a minimum 20-foot wide easement to comply with CCC 40.350.030(B)(4)(b)(2). This easement shall be widened as necessary to accommodate the required turnout and hammerhead turnaround. (See Condition # A-5)

Finding 7 – CCC 40.350.030(B)(11) says that a maximum of three legal lots may use a joint driveway to access a public or private road. A note shall be placed on the final plat saying that only Lots 1, 2 and 3 of this plat may utilize the joint driveway to access NE 299<sup>th</sup> Street. (See Condition # D-15)

#### Sight Distance

Finding 8 – Because NE 299<sup>th</sup> Street has no posted speed limit in this area, it is assumed to be 50 MPH, per CCC 40.350.030(B)(8)(a) and RCW 46.61.415. Therefore, the required sight distance on NE 299<sup>th</sup> Street at the driveway intersection is 500 feet in both directions per Table 40.350.030-11 of the Transportation Standards. The preliminary material submitted by the applicant included a documentation, signed and stamped by John G. Lawson, an engineer licensed in the State of Washington, indicating that the required sight distance is available. Therefore, staff finds that this standard has been met.

#### Road Modifications

There are no road modifications associated with this proposal.

#### Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to the conditions below, meets the requirements of the county transportation ordinance.

#### **Stormwater and Erosion Control:**

##### Finding 1 - Applicability:

Stormwater and Erosion Control Ordinance CCC 40.380 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 40.380.040(B)(3) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 40.380.030(A).

This application will result in 5,000 square feet or more of new impervious area within the rural area. CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the proposed homes and their normal appurtenances, including the joint driveway are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance. (See Condition # A-6)

#### Finding 2 - Stormwater Proposal:

The applicant has not submitted a stormwater proposal.

#### Finding 3 – Erosion Control

An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions # A-7, D-14 and E-10 – E-13)

Effective January 1, 2002, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 40.380.050(D). Residential homeowners constructing their own development activity are exempt. (See Condition # A-8)

### **FIRE PROTECTION:**

#### Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360)759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

#### Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

#### Finding 3

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. If adequate fire flow is available within 1000 feet of the property line a fire hydrant will be required. If fire flow is not available alternative construction methods shall be used, this may include 30 foot setbacks and a class "A" or better rated roof.

#### Finding 4

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.

#### Finding 5

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection.

#### Finding 6

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 11 at (360) 687-2171 to arrange for location approval.

#### Finding 7

Provide and maintain a six-foot clear space completely around every fire hydrant.

#### Finding 8

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

#### Finding 9

All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus and at intervals five hundred (500) feet or less, such that no portion of the road or driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition # A-\_\_\_)



## ARCHAEOLOGICAL:

### Finding 1

Archaeological predetermination required if subject to SEPA.  
(See Condition A-12)

### Finding 2

This site is within a high probability area for discovery of archaeological resources as designated on the Archaeological Predictive Model Map of Clark County. If evidence of such resources are discovered in the course of construction, builder shall stop work immediately and notify the Office of Archaeology and Historic Preservation in Olympia and the Clark County Department of Community Development. Failure to stop work and notify these agencies may result in civil fines and/or charges of a Class C Felony.

## IMPACT FEES:

### Finding 1

The site is located in the Battle Ground School District Impact Fee (SIF) district.

*The following note shall be placed on the final plat stating that:*

"In accordance with CCC 40.61, except for lot 1 of this plat, the School Impact Fees for each dwelling, in this subdivision are: \$3,000.00 (Battle Ground School District). The impact fees for lots in this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

(See condition of approval and D-4)

## DECISION

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## Conditions of Approval

### **Conditions that must be met prior to Final Plat approval:**

**A-1** The joint driveway shall be constructed from NE 299<sup>th</sup> Street to the new lot line between Lots 2 & 3 prior to final plat approval. This driveway shall have a minimum width of 12 feet of clear, unobstructed all-weather driving surface, and an overhead clearance of 13 feet 6 inches. (See Transportation Finding #3)

**A-2** The joint driveway shall be paved from the edge of the public road to the right-of-way, or to 20 feet from the edge, whichever is greater. (See Transportation Finding #4)

**A-3** The joint driveway shall be constructed with a minimum of one turnout constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds

does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. (See Transportation Finding #5)

**A-4** The applicant shall construct a “tee” type hammerhead in the north portion of Lot 2. Except for the angle necessary to fit the hammerhead in the north portion of Lot 2, this hammerhead shall comply with Drawing 32 or 32A of the Transportation Standards. (See Transportation Finding #5)

**A-5** The joint driveway shall be in a minimum 20-foot wide easement. This easement shall be widened as necessary to accommodate the required turnout and hammerhead turnaround. (See Transportation Finding #6)

**A-6** This development is subject to CCC 40.380, the Stormwater and Erosion Control Ordinance. However, CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the proposed homes and their normal appurtenances, including the joint driveway are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance. (See Stormwater and Erosion Control Finding #1)

**A-7** An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Stormwater and Erosion Control Finding #3)

**A-8** All development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director. (See Stormwater and Erosion Control Finding #3)

**A-09** No clearing of native trees or shrubs within the 150' riparian HCZ shall be done during or after any construction. This includes no clearing or removal of dead vegetation for purposes of a view.

**A-10** Any further clearing or development not indicated on the face of the plat shall be subject to additional county review and possible permits.

**A-11** The building envelope on Lot 3 will need to be revised before Final Plat in order to comply with the Wetlands Protection Ordinance.

**A-12** Archaeological predetermination required if subject to SEPA.

#### **D. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

**D-1 Habitat Conservation Development Envelopes:**

"No 'regulated activities' as defined in the Wetland Protection Ordinance (Clark County Code Chapter 40.440) shall occur outside of the development envelopes shown on the face of this plat without prior approval from the County Development Services Manager."

**D-2 Archaeological (all plats):**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**D-4 Impact Fees:**

"In accordance with CCC 40.61, except for lot 1 of this plat, the School Impact Fees for each dwelling, in this subdivision are: \$3,000.00 (Battle Ground School District). The impact fees for lots in this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-6 Utilities:**

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services."

**D-14 Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-15 Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-16 Driveways:**

"Only Lots 1, 2 and 3 of this plat may utilize the joint driveway to access NE 299<sup>th</sup> Street."

(See Transportation Finding #7)

**D-17 Driveways:**

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

<b>E. Standard Conditions</b>
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This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

**Land Division:**

- E-1** If the use of wells and septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording.
- E-2** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**Final Construction/Plan Review:**

- E-3** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.
- E-4** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.
- E-7 Transportation:**  
Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.
- E-9 Pre-Construction Conference:**  
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-10 Erosion Control:**  
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- E-11 Erosion Control:**  
For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-12 Erosion Control:**  
Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-13 Erosion Control:**  
Erosion control facilities shall not be removed without County approval.
- E-14 Excavation and Grading:**  
Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

**E-15 Excavation and Grading:**

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

**Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

An **appeal** of any aspect of this decision and any required mitigation measures, may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on \_\_\_\_\_, 2004. Therefore any appeal must be received in this office by 4:30 PM, \_\_\_\_\_, 2004.

**APPEAL FILING DEADLINE****Date: \_\_\_\_\_, 2004**

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$1070** (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and 4:30PM Monday through Friday, at the address listed below.

**Attachments:**

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>